



**TOWN OF BILLERICA
SELECT BOARD MINUTES
SEPTEMBER 25, 2023**

Members Present: Chair Michael Riley, Vice Chair Kimberly Conway (Remote), Secretary Andrew Deslaurier, Michael Rosa, and John Burrows

Members Absent: None

Staff Present: Town Manager John Curran, Assistant Town Manager Clancy Main, and Director of Administrative Services Robert Maynard

Chair Riley stated that the meeting is a hybrid meeting with a Zoom option.

Call to Order 7:00 PM

Chair Riley called the meeting to order. Since Vice Chair Conway is remote, all votes will be taken by Roll Call and he will do Roll Call for attendance. Member Rosa was Present, Secretary Deslaurier was present, Vice Chair Conway was present, Member Burrows was present and Chair Riley was present.

The Pledge of Allegiance was recited.

1. Open Microphone

Chris Tribou of 13 Bridle Road – Mr. Tribou stated that if the flag policy is voted on, it should start January 1, 2024. We should add local general history flags that commemorate significant events in our country. We should keep what has already been approved but should request that a Billerica resident would sponsor and speak about the flag.

2. Vacancies on Boards and Committees

Secretary Deslaurier read the openings on Boards and Committees.

3. All Other Announcements May be Viewed on the Town of Billerica Website

New Business

8. Request for (4) 18” x 24” Signs on the Common from October 1st to October 21st for the Haunted Howe Event on October 20th and 21st from 7:00 – 10:00 PM – BATV

Faith Brodi from BATV appeared via Zoom. This event started in 2017 and has expanded. She would like to request four signs on the common from October 1st to October 21st. The event is October 20th and October 21st from 7:00 PM to 10:00 PM.

MOTION - Secretary Deslaurier made a motion to approve the request for (4) 18” x 24” signs on the common from October 1st to October 21, 2023 for a Haunted House event at BATV on October 20th and 21st from 7:00 PM to 10:00 PM. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

9. KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road – Applications for (8) 1-Day Special Wine & Malt License and Entertainment License for Saturday 09/30/23 from 5:00 PM to 8:30 PM, Saturday 10/14/23 from 11:00 AM to 3:00 PM, Saturday 10/28/23 from 11:00 AM to 3:00 PM, Saturday 11/11/23 from 11:00 AM to 3:00 PM, Saturday 11/18/23 from 11:00 AM to 3:00 PM, Thursday 11/30/23 from 5:00 PM to 8:00 PM, Thursday 12/07/23 from 5:00 PM to 8:00 PM and Thursday 12/14/23 from 5:00 PM to 8:00 PM (Brings total for year to 22 – 30 allowed)

Cody Enman appeared from KHD, Inc. Mr. Enman stated that he is applying for 8 one-day wine and malt as well as entertainment licenses.

Vice Chair Conway rejoined the meeting.



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MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license for KHD, Inc on Saturday, September 30, 2023 from 5:00 PM to 8:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day entertainment license for KHD, Inc on Saturday, September 30, 2023 from 5:00 PM to 8:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license for KHD, Inc on Saturday, October 14, 2023 from 11:00 AM to 3:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day entertainment license for KHD, Inc on Saturday, October 14, 2023 from 11:00 AM to 3:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license for KHD, Inc on Saturday, October 28, 2023 from 11:00 AM to 3:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day entertainment license for KHD, Inc on Saturday, October 28, 2023 from 11:00 AM to 3:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license for KHD, Inc on Saturday, November 11, 2023 from 11:00 AM to 3:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day entertainment license for KHD, Inc on Saturday, November 11, 2023 from 11:00 AM to 3:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license for KHD, Inc on Saturday, November 18, 2023 from 11:00 AM to 3:00 PM. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

Vice Chair Conway rejoined the meeting.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day entertainment license for KHD, Inc on Saturday, November 18, 2023 from 11:00 AM to 3:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.



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MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license for KHD, Inc on Thursday, November 30, 2023 from 5:00 PM to 8:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day entertainment license for KHD, Inc on Thursday, November 30, 2023 from 5:00 PM to 8:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license for KHD, Inc on Thursday, December 7, 2023 from 5:00 PM to 8:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day entertainment license for KHD, Inc on Thursday, December 7, 2023 from 5:00 PM to 8:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license for KHD, Inc on Thursday, December 14, 2023 from 5:00 PM to 8:00 PM. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day entertainment license for KHD, Inc on Thursday, December 14, 2023 from 5:00 PM to 8:00 PM. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

10. One Day All Alcohol Special License – Billerica Holiday Festival Committee – Fundraising Event being held at the Billerica Public Library located at 15 Concord Road on November 17, 2023 from 6:30 PM to 9:00 PM – Requested by John Gagliardi, Chair of the Billerica Holiday Festival Committee

11. Request for Use of Town Property and Road Closure for the 2023 Winter Festival and Annual Tree Lighting on Saturday, December 2, 2023 from 8:00 AM to 7:00 PM (Rain/Snow Date: Sunday, December 3, 2023) – Requested by John Gagliardi, Chair of the Billerica Holiday Festival Committee

John Gagliardi appeared for agenda items 10 and 11. This is the 25th anniversary of the tree lighting and they are planning a laser show immediately after the tree lighting. This is sponsored by the Elks.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day all alcohol special license for the Billerica Holiday Festival fundraiser on November 17, 2023 from 6:30 to 9:00 PM at 15 Concord Road. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

MOTION - Secretary Deslaurier made a motion to approve the request for use of Town property and road closure for the 2023 Winter Festival and Annual Tree Lighting on Saturday, December 2, 2023 from 8:00 Am to 7:00 PM with a Rain/Snow Date of Sunday, December 3, 2023. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.



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12. Request for (4) 18” x 24” Signs on the Common from September 26, 2023 to October 20, 2023 – 1st Congregational Church 2nd Annual Gala on Friday, October 20th at the Billerica Elks –Requested by the First Congregational Church, Laura Bosworth

MOTION - Secretary Deslaurier made a motion to approve the request for (4) 18” x 24” signs on the common from September 26, 2023 to October 20, 2023 for the 1st Congregational Church 2nd Annual Gala on Friday, October 20th at the Billerica Elks. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

13. Approval of the 4th Annual Rolling Christmas Parade – Sunday, December 10, 2023 from 12:00 PM to 5:00 PM (Rain/Snow Date: Sunday, December 17, 2023) – Requested by Member Burrows

John and Amy LaFauci appeared to request approval of the 4th Annual Rolling Christmas Parade for Sunday, December 10, 2023 from 12:00 PM to 5:00 PM with a rain/snow date of Sunday, December 17th. They started this with 5-6 people and now we are over 30 and working to get a 501c3 status. He is hoping to get the Select Board and Town Manager on a float.

MOTION - Secretary Deslaurier made a motion to approve the request for the 4th Annual Rolling Christmas Parade for Sunday December 10, 2023 from 12:00 PM to 5:00 PM with a rain/snow date of Sunday, December 17th subject to the approval of the Safety Officer. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

Old Business

8. Town Managers Report

• **Professional Recognition**

Mr. Curan wanted to thank Recreation Director, David Grubb for running the summer programs effortlessly even when he lost his Assistant Director and Program Coordinator early in the spring.

Member Rosa stated that Mr. Grubb has always done a great job.

Secretary Deslaurier stated that Mr. Grubb has always done a great job and we had to fight to keep him.

Chair Riley thanked all the employees of the Town.

MOTION - Secretary Deslaurier made a motion to put a letter of recognition in the personnel file of David Grubb, the Fire Department personnel involved with Jacks Junkyard Fire and Donnie Jarvis. The motion was seconded by Member Rosa and unanimously voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

Member Burrows stated that Mr. Grubb is a great guy and has always done an amazing job.

• **Emergency Preparedness Meeting**

Mr. Curran stated that staff sat down to go over the Towns response to weather emergencies like the two flood events. Even though there was no way to predict the damage, we went over how our response could be quicker. Our Emergency Management Director and Fire Dispatcher Diane Deloge were very informative on the GIS system.

Member Rosa stated that it’s good that we are trying to get ahead of emergencies but the culverts need to be cleaned out regardless of whether they are on private property. We can’t depend on the residents who may not be able to physically do this. It’s the Towns responsibility.



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- **Jacks Junkyard Fire**

Mr. Curran stated that there was a structure fire on September 15th at Jacks. This started around 3:00 PM and required mutual aid from Tewksbury and Wilmington. One employee was injured and transported and the Fire Department did an excellent job containing the fire. Mr. Curran stated that we should review this license and he will bring this back before the Board.

Member Rosa stated that the Fire Department did a great job to contain the fire and he is glad the injuries were held to a minimum.

Secretary Deslaurier stated that the Fire Department did a great job containing the fire from spreading and thanked the mutual aid towns.

- **Vining Field Project**

Mr. Curran stated that the project is moving along and matching existing soil with the new soil coming on to the site.

- **Veteran's Office**

Mr. Curran stated that the Executive Office of Veterans Services (EOVS) will be holding training session on October 23rd through the 26th to ensure Billerica Veterans receive the full benefits available to them. Our Veteran's Agent will be trained on a variety of these programs and this will help reduce the tax burden on Billerica.

Member Rosa stated that this shows his dedication to the veterans and how proactive Donnie is. Our veterans are in great hands.

- **Town Hall Auditorium**

Mr. Curran stated that the project is nearing completion. The items left that impact Town Meeting are speakers, finishing the floor and balcony windows. They should all be done in time.

Member Rosa asked if there is a stage in the new auditorium. Mr. Curran replied no, there will be two podiums.

- **DPW Facility**

Mr. Curran stated that the design work is ongoing. They are exploring being solar ready and using rainwater for irrigation. Funding is on the Fall 2023 Town Meeting warrant.

Member Rosa stated that he is concerned with using green energy components because they are sometimes cost prohibitive.

- **Billerica Mall Update**

Mr. Curran stated that the Town has been in communication with the property owners and contractors onsite to confirm the SWPP is being executed properly. He met personally onsite with J. Masterson to discuss temporary storm water remediation measures. The project team is working to mitigate water exiting the site on Tower Farm Road. There are several instances of permit violation that have been addressed. It does not make sense to stop work because it will only make it worse.

Member Rosa stated that the letter is fine but there are mounds of dirt on site that are creating runoff. They don't care. There are raised drains that don't work. There is a project at the Market Basket in Pinehurst that has mounds of dirt and there was no runoff because they are covered. This mall project has been impacting the residents since day 1. They should be hit with a cease-and-desist order until the mitigation is done. Mr. Curran stated that they are trying to mitigate the problems and stopping the job is not the answer. Member Rosa stated that when there was a problem with the roof at Mall Liquors, we shut them down and then they finally fixed the issues when we stopped them. We need a heavy hand.



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Secretary Deslaurier asked if the storm water investment has started. Mr. Curran replied that the drainage basin is done and connected. Secretary Deslaurier agrees that the exposed dirt runs down Tower Farm Road so vegetation should be added to the piles to stabilize them, the catch basins should be lowered and the water should be directed to the drainage basin.

Member Burrows stated that we reached out to the mall as a Board on September 26, 2022 and Mr. Curran visited the site and they were supposed to report back if the dirt onsite was clean. That never happened. The Board of Health signed off on the storm water on October 14, 2022. There were violations on October 17, 2022, and a motion was made to have the Town Manager to send an email stating that if the problems persist, we would shut them down. Additional violations occurred on November 7, 2022, July 10, 2023, August 18, 2023, and September 10, 2023. There are conditions on their permit regarding site control, debris, working on Sundays, working after-hours and they still violate and nothing happens. They are moving easements that are different than what was on the approved plan. There is a possible drive-thru that never had ZBA approval because the Planning Director said it was a minor amendment. The project sucks and is continuing to affect our residents.

- **Flu Clinics**

Mr. Curran stated the Town will be hosting two flu clinics again this year. On October 18th at the COA, ages 55+ and 18+ with a chronic medical condition. On October 21st at Town Hall anyone over 18+.

Member Rosa asked if a COVID booster shot will be offered. Mr. Curran stated that the health department is working on it.

- **Billerica Fire Open House**

Mr. Curran stated that the Billerica Fire Open House will be Saturday, October 14th.

- **24 Cook Street**

Mr. Curran stated that there was an inquiry into the permit at 24 Cook Street and the condition of a crosswalk. The property owner applied for this permit this week and the delay was self-inflicted.

Member Burrows stated that this is a communication problem with the Planning Director. Mr. LaFauci called the Planning Director and she never called him back.

- **Boston Road North**

Mr. Curran stated that the drainage structure installation is nearing completion. Underground conduit is set to begin mid-October for the crossings within the Historic District and Raytheon is up next for utility transfers.

Member Rosa stated that the Boston Road project is an absolute disaster. As Road Commissioners, the patches are horrible and unacceptable. This is a safety hazard. The job on Pond Street, which lasted two years and was better. Mr. Curran stated that this is a state project and we don't have a bond. He will bring this up at the next construction meeting.

Secretary Deslaurier stated that the Treble Cove paving project was a great project because it was Town run and we had control. Boston Road is a state project and we don't have that kind of oversight.

Member Burrows stated that Boston Road is a mess and a disgrace.

- **Paving Projects**

Mr. Curran stated that final paving on Treble Cove Road is scheduled for September 27th. Microsurfacing is scheduled for October 2nd and 3rd on Catherine Ave, Kane Ter, Maverick Cr, Nile St, Patrick Ave, Pond Lane Ext, Rolling Hill Rd, Savage Ave, and Valerie Ave. Upcoming work includes granite curb installation on Baldwin Road and paving in the lake area.



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Member Rosa asked if the paving projects will be wrapped up before the plants shut down. Mr. Curran replied yes.

- **North Billerica Fire Station**

Mr. Curran stated that in late October structural work will commence. This is emergency work to make the station safe and operable for the fire fighters. After this, renovation on the interior will begin on interior renovation. We are still working on a long-term solution for the water issues.

Member Rosa stated that he is glad that the structural improvements are moving forward.

- **Snowden/Pariss Family**

Mr. Curran stated that Member Burrows submitted a letter per the regulations to recognize the Snowden/Pariss Family. The parcel abuts PHR and Member Burrows would like to place a stone or plaque to recognize the family.

Member Burrows stated that he is excited that this is moving forward.

Vice Chair Conway rejoined the meeting at 8:00 PM

5. Final Warrant Articles – Discussion and Possible Vote

Mr. Curran presented the final warrant articles for discussion.

MOTION - Secretary Deslaurier made a motion to recommend Article 1 and Article 2 to the Fall Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

Article 3 is presented to consider any conflicts that would change the start date of Town Meeting. If there are no conflicts, then it will be withdrawn and this has been reviewed by Town Counsel.

Member Rosa stated that the legal opinion does not match the second section of the article. There is a reference to 1.1.A, but the new “A” in the warrant doesn’t match. Mr. Curran thanked Member Rosa for finding this and stated that it can be classified as a scrivener’s error.

MOTION - Secretary Deslaurier made a motion to recommend Article 3 to the Fall Town Meeting with the correction of the scrivener’s error be changed to coincide with the legal opinion and corrected on the final warrant. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

Mr. Curran stated Article 4 is a budget amendment and only has the interest of 6 months with no principal. The Town has \$107,761 in interest. The schools have \$280,000 which is a recurring expense to update the Chromebooks.

Member Rosa stated that the chart is different than the warrant. Mr. Curran replied that is correct.

MOTION - Secretary Deslaurier made a motion to recommend Article 4 to the Fall Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

Mr. Curran stated that Article 5 is to vote free cash and retained earnings to the Debt Stabilization Fund.

Vice Chair Conway asked when the new policy on Debt Stabilization will go into effect. Mr. Curran replied during the next budget season.

Member Rosa asked if the Debt Stabilization article needs a 2/3 vote. Mr. Curran replied no, just the majority.

MOTION - Secretary Deslaurier made a motion to recommend Article 5 to the Fall Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.



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MOTION - Secretary Deslaurier made a motion to recommend Article 6 to the Fall Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to recommend Article 10 to the Fall Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to recommend Article 11 to the Fall Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

Mr. Curran stated that they will amend the title of the article to remove the school because that will be a separate article. This is for the DPW vehicles.

Member Rosa asked if all these vehicles are for the water department and are they adding or replacing existing vehicles. Mr. Curran replied that they are replacing the existing vehicles. Member Rosa stated that the F150 with a plow is only \$5,000 cheaper than an F250 with a plow so we should replace it with a heavier vehicle because plowing will destroy an F150 because it is so light. Mr. Curran stated that he would have to consult with the DPW Director but the F150 is for plowing the Water Treatment Plant (WTP) itself but will get an answer. Member Rosa stated that the Water Retained Earnings is a surplus from water bills paid by the taxpayers and we don't need 3 plow trucks for the WTP so these are going to be used by the DPW to plow the streets. The DPW should not be allowed to purchase trucks with Water Retained Earnings. This should be tabled until the questions are answered.

Chair Riley agreed that if the cost of an F250 is only \$5,000 more than the F150, then get the bigger truck and asked if we should hold this article to the next meeting for the answers.

Vice Chair Conway stated that we shouldn't wait. The warrant has been published and if there were questions, they already should have been asked. Member Rosa stated a Point of Order, this was continued from the last meeting without any discussion, so this is the first time we are voting on the articles.

MOTION - Secretary Deslaurier made a motion to recommend Article 12 to the Fall Town Meeting. The motion was seconded by Member Rosa and voted 4-1-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted No, Vice Chair Conway voted Aye and Chair Riley voted Aye.

Mr. Curran stated that Article 14 is for the borrowing for the Town Center. His ultimate goal is to only have to bond \$5 million for the Center, the remainder will be other funding sources.

Member Rosa stated that these charts provided should be part of the warrant. He has issues with the design and issues with this article. You also slipped in the discontinuance of Concord Road which should be a separate article. This requires a hearing in front of the Street Acceptance and Discontinuance Committee and a public hearing. The process is being side stepped. Mr. Curran objects to that statement that this was slipped in. Concord Road is still going to exist, this portion of it will be discontinued in front of the COA which will allow for a new COA in the future. This article was run through Town Counsel. Member Rosa stated that there is a process to accept or discontinue a road and it usually includes specific language in great specificity. You are also asking Town Meeting to allow us to grant easements, including utility easements. Article 3 of the Special Town Meeting was done because it is an easement and easements should be done separately. Mr. Curran stated that we have done this with Boston Road North and South as well as Nashua Road, it is boiler plate language. Member Rosa stated that this is a funding article and we shouldn't be discussing discontinuing a street and getting an easement. He also doesn't agree with taking Free Cash over the next 3 years for this project. We spend Free Cash on good capital expenditures. By taking this money, we now will have to bond things that we usually use Free Cash on. Free Cash also fluctuates. He also doesn't agree with using Chapter 90 funds for 100 yards of road. There are better uses in the neighborhoods and sidewalks for Chapter 90 funds. He will not support this article.



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MOTION - Secretary Deslaurier made a motion to recommend Article 14 to the Fall Town Meeting. The motion was seconded by Member Rosa and voted 3-2-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted No, Member Burrows voted No, Vice Chair Conway voted Aye and Chair Riley voted Aye.

Mr. Curran stated that Article 15 is to transfer and appropriate for the Town Center and will probably be amended on Town Meeting floor to be \$2 million instead of \$3 million.

Member Rosa asked how much is being spent in Free Cash. Mr. Curran stated that it will be \$2 million for the center, \$500,000 for DPW vehicles, \$280,000 for Fire Department vehicles. Mr. Curran stated that there is \$1 million in the school and \$1.8 million being transferred into Debt Stabilization. Member Rosa asked if it was \$2 or \$3 million. Mr. Curran replied it will be \$3 million in the article, but we may amend it on Town Meeting floor to \$2 million. Mr. Curran added that we do not borrow on items under \$2 million because it does not make sense.

MOTION - Secretary Deslaurier made a motion to recommend Article 15 to the Fall Town Meeting. The motion was seconded by Member Rosa and voted 3-2-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted No, Member Burrows voted No, Vice Chair Conway voted Aye and Chair Riley voted Aye.

Mr. Curran stated that Article 16 is for the funding of the new DPW headquarters.

Member Rosa stated that the cost is \$50 million plus interest could bring it up to \$71 million. The base cost is \$50 million but it is much more and we should give the residents more transparency of actual costs of projects. Mr. Curran stated that we don't know what the percentage is. Residents understand that if they buy a house for \$400,000, they will have to pay interest. It's the same thing. Member Rosa stated that he has a clear idea that the interest could be 4% but he hopes it's less.

Vice Chair Conway stated that we have never included interest in a vote and she would not support that.

Member Rosa stated that we should do that on all borrowing. We raised taxes, raised water rates and we owe it to the residents to give them a full picture of cost. The interest will have to be paid and we should be clear and transparent.

MOTION - Member Rosa made a motion to estimate the total cost of the DPW including interest to be added to the article. The motion was seconded by Member Burrows and voted 2-3-0. On a roll call vote: Secretary Deslaurier voted No, Member Rosa voted Yes, Member Burrows voted Yes, Vice Chair Conway voted No and Chair Riley voted No. The motion failed.

MOTION - Secretary Deslaurier made a motion to recommend Article 16 to the Fall Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to recommend Article 17 to the Fall Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to recommend Article 18 to the Fall Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to recommend Article 19 to the Fall Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

Mr. Curran stated that Article 20 is to fund a new Fournier Press at the Wastewater Treatment Plant. A 2/3 vote is required.



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Member Rosa stated that the Sewer Retained Earnings has \$1.5 million, so why not take the money from here. Mr. Curran stated that they always want to keep \$1 million in the Sewer Retained Earnings and we are taking \$300,000 out for Debt Stabilization and most of the debt comes from Wastewater.

MOTION - Secretary Deslaurier made a motion to recommend Article 20 to the Fall Town Meeting. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

MOTION - Secretary Deslaurier made a motion to recommend Article 21 to the Fall Town Meeting. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

MOTION - Secretary Deslaurier made a motion to recommend Article 22 to the Fall Town Meeting. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

MOTION - Secretary Deslaurier made a motion to recommend Article 28 to the Fall Town Meeting. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

Mr. Curran stated that Article 29 is to accept and/or amend existing easements relating to road work on Rt. 3A from the Shawsheen River to the Burlington town line to create additional sidewalks.

Member Rosa stated that we should extend it to Allen Road to complete the path. That bridge needs to be replaced. Mr. Curran stated that he will ask Town Counsel if that is beyond the scope of the article.

MOTION - Secretary Deslaurier made a motion to recommend Article 29 to the Fall Town Meeting contingent on asking Town Counsel if we can expand the scope to Allen Road. The motion was seconded by Member Rosa and voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

6. Town of Billerica Flag Policy – 2nd Reading – Submitted by Chair Riley

Chair Riley stated that this is the second reading and asked if there were any questions.

Secretary Deslaurier asked if this could be amended in the future. Chair Riley replied it could.

MOTION - Secretary Deslaurier made a motion to approve the Town of Billerica Flag Policy as presented. The motion was seconded by Member Rosa and unanimously voted 4-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye. Vice Chair Conway had lost connection and was not present during the vote.

7. Discussion on Retirement Policy for Town Employees – 1st Reading

Member Rosa stated that some people retire with no fanfare. This was on the last agenda but we didn't discuss it. He spoke with Mr. Curran who had some issues with the original policy. This was updated to address his concerns. The reason for this policy is that we should recognize everyone equally on their retirement.

Secretary Deslaurier asked if we would have to vote on each one. Member Rosa replied no. Secretary Deslaurier replied that is good, then he will support this.



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Vice Chair Conway rejoined the meeting at 9:25 PM. Vice Chair Conway stated that she would support this but there are some people who don't want to be recognized and just want to go quietly into retirement so we should not be offended if someone doesn't want to appear for this.

Secretary Deslaurier stated that the next meetings are October 2, 2023, October 3, 2023, and October 5, 2023 at 6:30 if needed for Town Meeting and then October 16, 2023.

MOTION - Secretary Deslaurier made a motion to adjourn the Select Board meeting of September 25, 2023 @ 9:30 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



**TOWN OF BILLERICA
SELECT BOARD MINUTES
SEPTEMBER 25, 2023**

Exhibits for the Select Board Meeting – September 25, 2023

Call to order 7:00 PM

1. **Open Microphone - No Exhibits**

Announcements

2. **Vacancies on Boards and Committees- Vacancy List**
3. **All other announcements may be viewed on the Town of Billerica website - No Exhibits**

Old Business

4. **Town Managers Report-** Town Manager’s Report dated 09/21/23
5. **Final Warrant Articles – Discussion and Possible Vote – Final Warrant**
6. **Town of Billerica Flag Policy – 2nd Reading – Flag Policy, Email from M. Riley dated 8/29/23, KP Law eUpdate dated 5/16/23**

New Business

7. **Discussion on Retirement Policy for Town Employees – 1st Rading – Requested by Member Rosa- Draft Policy**
8. **Request for (4) 18” x 24” Signs on the Common from October 1st to October 21st for the Haunted Howe Event on October 20th and 21st from 7:00 – 10:00 PM – BATV – Email from F. Brodi dated 9/18/23, Flyer**
9. **KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road – Applications for (8) 1-Day Special Wine & Malt License and Entertainment License for Saturday 09/30/23 from 5:00 PM to 8:30 PM, Saturday 10/14/23 from 11:00 AM to 3:00 PM, Saturday 10/28/23 from 11:00 AM to 3:00 PM, Saturday 11/11/23 from 11:00 AM to 3:00 PM, Saturday 11/18/23 from 11:00 AM to 3:00 PM, Thursday 11/30/23 from 5:00 PM to 8:00 PM, Thursday 12/07/23 from 5:00 PM to 8:00 PM and Thursday 12/14/23 from 5:00 PM to 8:00 PM (Brings total for year to 22 – 30 allowed) – Billerica Applications (8) dated 09/14/23, Memo from Lt. Coffey dated 09/07/23**
10. **One Day All Alcohol Special License – Billerica Holiday Festival Committee – Fundraising Event being held at the Billerica Public Library located at 15 Concord Road on November 17, 2023 from 6:30 PM to 9:00 PM – Requested by John Gagliardi, Chair of the Billerica Holiday Festival Committee – Billerica Application dated 09/16/23, Memo from Lt. Coffey dated 9/15/23**
11. **Request for Use of Town Property and Road Closure for the 2023 Winter Festival and Annual Tree Lighting on Saturday, December 2, 2023 from 8:00 AM to 7:00 PM (Rain/Snow Date: Sunday, December 3, 2023) – Requested by John Gagliardi, Chair of the Billerica Holiday Festival Committee – Email from D. Dorrington dated 8/20/23, Flag Rendering**
12. **Request Approval of the 4th Annual Rolling Christmas Parade – Sunday, December 10, 2023 from 12:00 PM to 5:00 PM (Rain/Snow Date: Sunday, December 17, 2023) – Requested by Member Burrows – Email from M. Rosa dated 8/29/23, Memo from R. Correnti dated 8/9/01, Excerpts of Select Board minutes of 9/4/01, 9/30/02, 10/18/21**
13. **Request to for (4) 18” x 24” Signs on the Common from September 26, 2023 to October 20, 2023 – 1st Congregational Church 2nd Annual Gala on Friday, October 20th at the Billerica Elks –Requested by the First Congregational Church, Laura Bosworth– Email from J. Bushnell dated 8/29/23, Flyer and Conversations Billerica 2023**

Meeting Schedule

October 2, 2023, Town Meeting – October 3, 2023 @ 6:30 PM (If Needed) & October 5, 2023 @ 6:30 (If Needed) and October 16, 2023

Approved On: _____ November 20, 2023